

**PART 2**

**ADMINISTRATION AND GOVERNMENT**

**CHAPTER 1**

**GOVERNMENT ORGANIZATION**

- § 2-101 Mayor-council form of government.
- § 2-102 Elections.
- § 2-103 Officers to be elected.

**CHAPTER 2**

**MAYOR AND CITY COUNCIL**

- § 2-201 Mayor, duties.
- § 2-202 Council, duties.
- § 2-203 Time of regular meetings of the council.
- § 2-204 Special meetings.
- § 2-205 Quorum.
- § 2-206 Place of meetings of the council.
- § 2-207 Rules of procedure.
- § 2-208 Council and utilities authority meetings, disruption prohibited, penalties.

**CHAPTER 3**

**CITY CLERK-TREASURER**

- § 2-301 Office created.
- § 2-302 Powers and duties.
- § 2-303 Transfer of powers and duties of city clerk.
- § 2-304 Transfer of powers and duties of city treasurer.
- § 2-305 Office of city clerk abolished.
- § 2-306 Office of city treasurer abolished.
- § 2-307 Nomenclature changes.

**CHAPTER 4**

**OTHER OFFICERS AND DEPARTMENTS**

- § 2-401 City attorney.
- § 2-402 Cooperative health department; director.
- § 2-403 Other personnel to be appointed.
- § 2-404 Marshal.
- § 2-405 Street commissioner.
- § 2-406 Removal, suspension of personnel.
- § 2-407 Certain salaries fixed.

- § 2-408 Certain personnel to be bonded.
- § 2-409 Oaths.
- § 2-410 Compensation of officers and employees.

## **CHAPTER 5**

### **SOCIAL SECURITY**

- § 2-501 Declaration of policy to come under coverage.
- § 2-502 Execution of agreement with state agency.
- § 2-503 Withholdings.
- § 2-504 Contributions.
- § 2-505 Records and reports.
- § 2-506 Exclusions.

## **CHAPTER 6**

### **RETIREMENT AND PENSIONS**

#### **ARTICLE A**

##### **FIRE PENSION SYSTEM**

- § 2-601 Local fire pension and retirement board.
- § 2-602 Fund to be operated in accordance with law.
- § 2-603 Employee retirement system created.

#### **ARTICLE B**

##### **EMPLOYEE RETIREMENT SYSTEM**

- § 2-610 Employee retirement system created.
- § 2-611 Administration.
- § 2-612 Fund.
- § 2-613 Appropriations.
- § 2-614 Execution.
- § 2-615 Conflicting laws.

## CHAPTER 1

### GOVERNMENT ORGANIZATION

**§ 2-101 Mayor-council form of government.**

**§ 2-102 Elections.**

**§ 2-103 Officers to be elected.**

**§ 2-101 MAYOR-COUNCIL FORM OF GOVERNMENT.**

The city is governed by the statutory aldermanic or mayor-council form of government. The powers of the city are vested in the mayor and city council.

*State Law Reference:* Aldermanic form, §§ 9-101 et seq. of Title 11 of the Oklahoma Statutes.

**§ 2-102 ELECTIONS.**

A. In a statutory aldermanic city the terms of the elected officers shall be staggered so that at anyone general municipal election, the following officers are to be elected for four-year terms:

1. Council members from odd-numbered wards;
2. The mayor;
3. The clerk.

At the next general municipal election, the following officers are to be elected for four-year terms:

1. Council members from even-numbered wards; and
2. The treasurer.

B. General municipal elections are held on the first Tuesday in April of each odd-numbered year. A primary election shall be held the third Tuesday of March in each odd-numbered year, at which time the several political parties shall nominate candidates for offices who are to be elected at the upcoming general municipal election.

*State Law Reference:* Elections in aldermanic cities, 11 O.S. § 16-201.

**§ 2-103 OFFICERS TO BE ELECTED.**

The officers of the City of Geary shall be elected and initiative and referendum questions shall be decided only through elections conducted by the county election board pursuant to Title 11 Section 16-101 as provided for in Title 11 O.S. Section 16-302.

## CHAPTER 2

### MAYOR AND CITY COUNCIL

- § 2-201 Mayor, duties.
- § 2-202 Council, duties.
- § 2-203 Time of regular meetings of the council.
- § 2-204 Special meetings.
- § 2-205 Quorum.
- § 2-206 Place of meetings of the council.
- § 2-207 Rules of procedure.
- § 2-208 Council and utilities authority meetings, disruption prohibited, penalties.

#### § 2-201 MAYOR, DUTIES.

The mayor shall preside at meetings of the council and certify to the correct enrollment of all ordinances and resolutions passed by it. The mayor is not considered a member of the council for quorum or voting purposes, except that he may vote on questions under consideration by the council only when the council is equally divided. The mayor may sign or veto any city ordinance or resolution passed by the city council. The mayor shall be chief executive officer and head of the administrative branch of the city government. He is also recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have such powers and duties as may be prescribed by law or ordinance.

***State Law Reference:*** Powers of mayor and duties, 11 O.S. §§ 9-104 through 9-106.

#### § 2-202 COUNCIL, DUTIES.

The council shall consist of four (4) council members, one elected from each ward of the city. The council shall elect from among its members a president of the council. The council president shall be elected in each odd-numbered year at the first council meeting held after council terms begin or as soon thereafter as practicable, and he shall serve until his successor has been elected and qualified. The council president shall act as mayor in the absence of the mayor. While presiding in the place of the mayor, he shall have all the powers, rights and privileges as other members of the council. The council shall have the powers and duties as prescribed by law or ordinance.

***State Law Reference:*** Aldermanic cities, council members per ward, 11 O.S. § 9-102; city council president, powers of council, 11 O.S. §§ 9-107 through 9-108.

#### § 2-203 TIME OF REGULAR MEETINGS OF THE COUNCIL.

The city council of the city shall hold a regular meeting at 6:00 p.m. on the first Thursday of every month unless such a Thursday falls on a holiday or unless such a Thursday falls on a day that does not allow at least five (5) calendar days before the Thursday meeting. If such a Thursday falls on a day that does not allow at least five (5) calendar days before the Thursday

meeting, the regular meeting shall be held at 6:00 p.m. on the second Thursday of the month. (Amended 12-3-1992 by Ord. No. 92-8; 12-5-2002 by Ord. No. 2002-6; 11-30-2007 by Ord. No. 2007-03)

**§ 2-204**            **SPECIAL MEETINGS.**

Special meetings may be called by the mayor or acting mayor, upon request or notice, in writing, signed by at least three (3) members of the council, specifying the object and purpose of such meeting, by request or notice in writing, which shall be read at the meeting and entered at length in the journal and no business shall be transacted at such meeting except that specified in the request.

**§ 2-205**            **QUORUM.**

In all cases, it shall require a majority of the councilmen elected to constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the council may by ordinance have previously prescribed.

**§ 2-206**            **PLACE OF MEETINGS OF THE COUNCIL.**

Every meeting of the council shall be held in the council chamber in the city hall unless, in case of an emergency, the mayor or the council members calling a special meeting designate another place in the city for the holding of the special meeting. An adjourned meeting may be held at any other place within the city designated by the city council. (Amended 3-3-2006 by Ord. No. 2006-01)

**§ 2-207**            **RULES OF PROCEDURE.**

A.     The council may determine its own rules, and may compel the attendance of absent members in the manner and under penalties as the council may prescribe. Whenever a member is absent from more than one-half (1/2) of all meetings of the council, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

B.     The order of business for each meeting of the council shall be as posted on the agenda for the meeting.

C.     The following rules of procedure shall apply to any regular or special meeting of the council unless three (3) members agree to waive the rule or rules:

1.     At the request of the mayor or any council member, all motions shall be reduced to writing;
2.     A motion to reconsider any of the proceedings of the council shall not be entertained unless it be made by a member who previously voted in the majority;
3.     No motion shall be debated or put until it be seconded and stated by the mayor. It

is then and not until then in possession of the council and cannot be withdrawn but by leave of the council;

4. A motion to adjourn shall be in order at any time, except as follows:
  - a. When repeated without intervening business or discussion;
  - b. When made as an interruption of a member while speaking;
  - c. When the previous question has been ordered; or
  - d. While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned;

5. When a question is under debate, no motion shall be received but:
  - a. To adjourn;
  - b. To lay on the table;
  - c. For the previous question;
  - d. To postpone to a day certain;
  - e. To commit;
  - f. To amend; or
  - g. To postpone indefinitely;

which several motions shall have precedence in the order they stand arranged;

6. When a proper motion is made, but information is wanted, the motion is to postpone to a day certain;

7. Matters claiming present attention for which it is desired to reserve for more suitable occasion, the order is a motion to lay on the table; the matter may then be called for at any time. If the proposition may need further consideration at the hands of a committee, the motion is to refer to a committee, but if it need but a few and simple amendments, the council shall proceed to consider and amend at once;

8. On an amendment being moved, a member who has spoken on the main question may speak again to the amendment;

9. The question is to be put first on the affirmative and then on the negative side. After the affirmative part of the question has been put, any member who has not spoken before the question may arise and speak before the negative be put;

10. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration; and

11. Robert's Rules of Order shall govern matters not included or covered in this code or in rules adopted by the city council.

**§ 2-208**      **COUNCIL AND UTILITIES AUTHORITY MEETING, DISRUPTION PROHIBITED, PENALTIES.**

A. There shall be no restriction on the rights of residents of the city to verbally address the city council, nor upon the legal representatives of such residents, except as follows:

1. Any resident or legal representative may speak on any agenda item or upon any proper item of discussion permitted by the Oklahoma Open Meeting Act for five (5) minutes only; provided, however, that the city council provided, may call for the pending question with a quorum of all members present and voting; and further, the city council may vote by a simple majority of all members present and voting to end an item set for discussion only, in the event that the city council determines that any further discussion would be cumulative. Only a council member or the mayor may place an item on the agenda of the city or the utilities authority;

2. Non-residents of the city and their legal representatives may speak for five (5) minutes only on any agenda item or upon any proper item of discussion in which they are directly interested, or upon which proposed action or discussion they would or may expedience a legally recognized harm, subject to the limitations on debate/discussion set forth in paragraph 1 above;

3. Time spent by council members who verbally respond to resident and nonresident participants under this section shall not count against the five (5) minute time limit;

4. The city council, by a majority vote, may permit additional discussion by technical experts, consultants, professionals, and the general public who are in favor of or opposed to any proposed action by the city council upon terms that are neutral and which are in furtherance of open debate;

5. Those who wish to be heard at city council meetings shall fill out a "request to be heard" form for each agenda item to be discussed or commented upon, the form to be adopted by order of the city manager or by resolution, giving name, address and the agenda item the person wishes to comment upon. Neither this provision nor the five (5) minute time limit shall apply to those officers, agents, servants and employees of the city or the utility authority who have been requested by the city manager, mayor or the city council to speak on a specific agenda item. During new matters, emergency matters and discussion only items, the five (5) minute time shall apply, regardless of the number of issues the speaker may wish to address. Speaking time may not be loaned or shared; and

6. Any person shall be permitted to submit written materials or documents to the city council.

B. No person, whether a city resident, non-resident, a legal representative or otherwise, may alone or in concert with others, willfully disturb, disrupt or interfere with any meeting of the city council or the utilities authority by:

1. Engaging in violent, disruptive, tumultuous or threatening behavior;
2. Using abusive or obscene language or making an obscene gesture; or otherwise heckling those speaking or conducting the meeting;
3. Failure to yield the floor or podium when the speaker is requested to do so by the presiding officer of the meeting pursuant to a lawful order, such as in cases when the speaker's time is expired, or the question successfully called for by the requisite majority; or
4. Failure to state, when requested by the presiding officer of the public meeting, the speaker's own name and address for the record of the meeting.

C. A digest stating in laymen's terms the requirements for participation in city council meetings shall be available to the public prior to each city council meeting.

D. Upon the determination of the presiding officer, any person violating Subsection B above shall be issued a citation by the senior law enforcement officer present from the city and may be removed from the meeting room with orders not to return. Return to the meeting room may be deemed trespassing and offenders may be prosecuted accordingly. Upon conviction of violation of Subsection B an offender may be punished as provided in § 1-108 of this code. (Added 1992)



## CHAPTER 3

### CITY CLERK-TREASURER

- § 2-301 Office created.
- § 2-302 Powers and duties.
- § 2-303 Transfer of powers and duties of city clerk.
- § 2-304 Transfer of powers and duties of city treasurer.
- § 2-305 Office of city clerk abolished.
- § 2-306 Office of city treasurer abolished.
- § 2-307 Nomenclature changes.

#### **§ 2-301 OFFICE CREATED.**

There is hereby created the office of city clerk-treasurer, who shall be elected for a term of two (2) years, beginning at the municipal general election held in 2005, and thereafter for a term of four (4) years as provided by law for election of the city clerk.

#### **§ 2-302 POWERS AND DUTIES.**

The city clerk-treasurer shall have and exercise all powers and duties assigned to him or her by statute and ordinance and such other authority as may be granted to him or her by the mayor and city council.

#### **§ 2-303 TRANSFER OF POWERS AND DUTIES OF CITY CLERK.**

All powers and duties assigned to the city clerk as of the effective date provided in § 2-305 of this chapter by statute, ordinance or the city council shall be transferred to and held and exercised by the city clerk-treasurer from and after the effective date provided in § 2-305 of this chapter. (Amended 5-5-2005 by Ord. No. 2005-5)

#### **§ 2-304 TRANSFER OF POWERS AND DUTIES OF CITY TREASURER.**

All powers and duties assigned to the city treasurer on or before the effective date provided in § 2-306 of this chapter by statute, ordinance or the city council shall be transferred to and held and exercised by the city clerk-treasurer from and after the date on which this ordinance becomes effective.

#### **§ 2-305 OFFICE OF CITY CLERK ABOLISHED.**

The office of city clerk is hereby abolished. Provided, the effective date of this section shall be 12:00 o'clock noon on the second Monday following the general municipal election held in 2007 or when a vacancy occurs in the office, whichever is sooner.

**§ 2-306**      **OFFICE OF CITY TREASURER ABOLISHED.**

The office of city treasurer is hereby abolished. Provided, the effective date of this section shall be 12:00 o'clock noon on the second Monday following the general municipal election held on April 5, 2005, or when a vacancy occurs in the office, whichever is sooner.

**§ 2-307**      **NOMENCLATURE CHANGES.**

From and after the date on which the provision herein abolishing the office of city clerk becomes effective, all references to the city clerk in Oklahoma statutes or city ordinances shall mean the city clerk-treasurer. From and after the date on which the provision herein abolishing the office of city treasurer becomes effective, all references to the city treasurer in Oklahoma statutes or city ordinances shall mean the city clerk-treasurer.

## CHAPTER 4

### OTHER OFFICERS AND DEPARTMENTS

- § 2-401 City attorney.
- § 2-402 Cooperative health department; director.
- § 2-403 Other personnel to be appointed.
- § 2-404 Marshal.
- § 2-405 Street commissioner.
- § 2-406 Removal, suspension of personnel.
- § 2-407 Certain salaries fixed.
- § 2-408 Certain personnel to be bonded.
- § 2-409 Oaths.
- § 2-410 Compensation of officers and employees.

#### § 2-401 CITY ATTORNEY.

A. The city attorney shall be appointed by the mayor and confirmed by the council, and shall hold office at the pleasure of the mayor and council. He shall have such qualifications, powers, and duties as are prescribed by law by the governing body for city attorneys. It shall be his duty to advise the mayor and council and each member thereof, and all city officials, upon all law questions, and he shall give opinions in writing when requested, and shall represent the city as counsel in all litigation, in all courts, for or against the city, and shall perform such other legal service in behalf of the city, its officers or employees, as may be required.

B. Compensation of the city attorney shall be established by the mayor and council.

#### § 2-402 COOPERATIVE HEALTH DEPARTMENT; DIRECTOR.

The cooperative health department of the county and its director shall have the powers of a city health department and city health officer respectively for the city. References to health department and health officer or director of the health department in this code and in other ordinances of the city mean the cooperative health department and its director, unless the context clearly indicates another meaning.

#### § 2-403 OTHER PERSONNEL TO BE APPOINTED.

The mayor, with approval of the council, shall appoint such other personnel as may be necessary to exercise the powers and perform the duties relative to the functions which are lawfully imposed upon or assumed by the city.

#### § 2-404 MARSHAL.

The city marshal, appointed by the mayor with confirmation of the council, may be chief of police. He shall have such powers and duties as may be defined by law or by the mayor and council.

#### § 2-405 STREET COMMISSIONER.

A. The street commissioner shall be appointed by the mayor with confirmation by the council. He shall have such duties as may be established by law or by the mayor and council.

B. At the expiration of his term of office he shall deliver to his successor all records, tools, implements, and all other things of property in his hands as street commissioner, taking duplicate receipts therefore, one of which must be filed in the office of city clerk.

**§ 2-406**      **REMOVAL, SUSPENSION OF PERSONNEL.**

Except as may be otherwise provided by law, officers and employees of the city who are appointed by the mayor with approval of the council may be removed, suspended, or laid off by the mayor with approval of the council. The mayor and council may also remove any elective officer for cause except the mayor, as provided by law.

**§ 2-407**      **CERTAIN SALARIES FIXED.**

A. The following elected city personnel shall be paid salaries as set by the council by ordinance:

1. Mayor;
2. Council members;
3. City clerk; and
4. City treasurer.

B. The Council by motion or resolution, may fix the compensation of other personnel.

**State Law Reference:** Changing salary during term of office, State Constitution Article 23, § 10.

**Ed. Note:** See Ordinance Table in this code for listing of special ordinances fixing salary of elected officials. The following monthly salaries are in effect:

1. Mayor: one hundred twenty-five dollars (\$125.00) per month. (Amended 11-3-1998 by Ord. No. 98-2)
2. Council, all wards: one hundred dollars (\$100.00) per month. (Amended 11-3-1998 by Ord. No. 98-2)
3. (Reserved)
4. City clerk-treasurer: nine thousand dollars (\$9,000.00) per year [seven hundred fifty dollars (\$750.00) per month]. (Amended 1-28-2005 by Ord. No. 2005-2; 5-5-2005 by Ord. No. 2005-6; 12-4-2006 by Ord. No. 2006-04)

***Ed. Note:*** Ordinance No. 2005-1 created the office of city clerk-treasurer and abolished the offices of city clerk and city treasurer.

**§ 2-408            CERTAIN PERSONNEL TO BE BONDED.**

Before entering upon their official duties, the following personnel of the city government shall provide bonds for the faithful performance of their official duties, payable to the city, with a surety company authorized to operate within the state:

1.     City clerk; and
2.     City treasurer.

The council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded. The city shall pay the premiums on such bonds.

***State Law Reference:*** Bonds of officers, treasurer and other officers to give bond, 11 O.S. § 8-105.

***Cross Reference:*** See also § 6-116, court clerk's bond.

**§ 2-409            OATHS.**

All officers, elective and appointive, including salaried employees of the city shall, within five (5) days of their election or appointment and before entering upon the duties of the respective offices take and subscribe to the following oath or affirmation:

"I, \_\_\_\_\_, do solemnly swear, (or affirm), that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will faithfully discharge the duties of the office of \_\_\_\_\_; that I have not paid or contributed, either directly or indirectly, any money or other valuable thing to procure my nomination, election or appointment, except necessary and proper expense expressly authorized by law; that I have not knowingly violated any election law of the state or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to the office of \_\_\_\_\_, other than compensation allowed by law."

***State Law Reference:*** Oath to be as prescribed by Oklahoma Constitution, filed in clerk's office, 11 O.S. § 8-103.

**§ 2-410**      **COMPENSATION OF OFFICERS AND EMPLOYEES.**

A.      The compensation of officers and employees may be determined by motion or resolution adopted by the city council and may be changed at any time in the same manner.

B.      In no case shall the salary or emoluments of any officer elected or appointed for a definite term be changed after his election or appointment or during his term of office unless by operation of an ordinance passed prior to such election or appointment. This section shall not apply to officers chosen for indefinite terms nor to employees.

***State Law Reference:*** § 19, Article 23 of the Oklahoma Constitution prescribes prohibition in changing compensation during term of office.

***Ed. Note:*** Former § 2-411, police officer residency requirements, added 9-14-2006 by Ord. No. 2006-03 to follow this section, was repealed 1-11-2077 by Ord. No. 2007-01.

## CHAPTER 5

### SOCIAL SECURITY

- § 2-501 Declaration of policy to come under coverage.
- § 2-502 Execution of agreement with state agency.
- § 2-503 Withholdings.
- § 2-504 Contributions.
- § 2-505 Records and reports.
- § 2-506 Exclusions.

#### **§ 2-501      DECLARATION OF POLICY TO COME UNDER COVERAGE.**

It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to the eligible employees and officials of the city the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and §§ 121 et seq. of Title 51 of the Oklahoma Statutes. In pursuance of this policy, the officers and employees of the city shall take such action as may be required by applicable state or federal laws or regulations.

***State Law Reference:*** Social security coverage for local governments, 51 O.S. § 125.

#### **§ 2-502      EXECUTION OF AGREEMENT WITH STATE AGENCY.**

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of § 2-501 of this code.

#### **§ 2-503      WITHHOLDINGS.**

Withholdings from salaries or wages of employees and officials for the purposes provided in § 2-501 of this code are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws and regulations.

#### **§ 2-504      CONTRIBUTIONS.**

Employer contributions shall be paid from amounts appropriated for these purposes from available funds to the designated state or federal agency in accordance with applicable state or federal laws or regulations.

#### **§ 2-505      RECORDS AND REPORTS.**

The city shall keep such records and submit such reports as may be required by applicable state or federal laws or regulations.

#### **§ 2-506      EXCLUSIONS.**

Excluded from this chapter authorizing the extension of social security benefits to city officers and employees are the following:

1. Any authority to make any agreement with respect to any position, employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city; or

2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations.



## CHAPTER 6

### RETIREMENT AND PENSIONS

#### ARTICLE A

#### FIRE PENSION SYSTEM

##### LOCAL FIRE PENSION AND RETIREMENT BOARD.

- § 2-601 **Local Fire Pension and Retirement Board.**  
§ 2-602 **Fund to be operated in accordance with law.**  
§ 2-603 **Employee retirement system created.**

**§ 2-601 LOCAL FIRE PENSION AND RETIREMENT BOARD.**

There is hereby created a local firefighters' pension and retirement board composed of the mayor, the clerk, the treasurer and three (3) members from the fire department. The board shall have the membership, organization, powers, duties and functions as prescribed by § 49-103 et seq. of Title 11 of the Oklahoma Statutes.

**§ 2-602 FUND TO BE OPERATED IN ACCORDANCE WITH LAW.**

The city's firefighters' pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system.

**State Law Reference:** Fire fighters' retirement and pension law, 11 O.S. §§ 49-101 et seq.

**§ 2-603 CONTRIBUTIONS TO FUND.**

A. The clerk shall deduct from the salaries or wages of each paid member of the fire department the amounts which are required by applicable state law. If the members of the fire department, by a majority vote of its paid members, vote to increase the amount of the deductions, the amounts authorized by this subsection shall be increased to reflect the amounts approved by the majority vote. The treasurer of the city shall deposit monthly in the Oklahoma Firefighters Pension and Retirement Board the amounts deducted pursuant to this subsection. Any amounts deducted from the salary or wages of a fire department member shall be made at the time of each payroll. The deductions shall be set forth in the payroll so that each member may be able to ascertain the exact amount which he is contributing.

B. The city treasurer shall deposit monthly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money which are required by applicable state law for each paid member of the fire department.

C. For each volunteer member of the fire department, the city treasurer shall deposit yearly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money which are required by applicable state law. These amounts may be revised according to actuarial studies and amounts as set by the Oklahoma Firefighters Pension and Retirement Board.

D. All assets of the city firefighters' pension and retirement fund shall be transferred to the Oklahoma Firefighters Pension and Retirement Board. Assets shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the State Board.

**State Law Reference:** Firefighters pension law, 11 O.S. § 49-122, effective 1/1/81.

**Cross Reference:** Fire department and services, § 13-101 of this code.

## ARTICLE B

### EMPLOYEE RETIREMENT SYSTEM

§ 2-610 Employee retirement system created.

§ 2-611 Administration.

§ 2-612 Fund.

§ 2-613 Appropriations.

§ 2-614 Execution.

§ 2-615 Conflicting laws.

**§ 2-610 EMPLOYEE RETIREMENT SYSTEM CREATED.**

Pursuant to the authority conferred by the laws of the state and for the purpose of encouraging continuity and meritorious service on the part of city employees and thereby promote public efficiency, there is hereby authorized, created, established, approved and adopted, effective as of March 1, 1967, the funded pension plan designated "Employee Retirement System of Geary, Oklahoma" (hereinafter called "system"), and as amended, an executed counterpart of which is marked "Exhibit A" to ordinance adopting and amending the system.

**Ed. Note:** Exhibit A is on file in the city clerk's office and is subject to public inspection. Amendments were adopted in 1992 and are also on file.

**State Law Reference:** Authority of city to establish retirement systems, procedure, 11 O.S. §§ 48-101 et seq.

**§ 2-611 ADMINISTRATION.**

For the purpose of administration of the system there is hereby established a board of trustees, who shall be the members of the city council of the city as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the board of trustees shall be set forth in the system instrument marked "Exhibit A" as mentioned in § 2-610.

**§ 2-612 FUND.**

A fund is hereby provided for the exclusive use and benefit of the person entitled to benefits under the system. All contributions to such fund shall be paid over to and received in

trust for such purpose by the city treasurer, who shall be the treasurer of the system. Such fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities and towns in the state as a part of the Oklahoma Municipal Retirement Fund, in accordance with a duly executed contract for such purpose which contract shall be executed by the city council as soon as feasible. The city treasurer shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the board of trustees. The fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the county excise board. The fund and system shall be evaluated each year for actuarial soundness by a qualified actuarial firm.

**§ 2-613**      **APPROPRIATIONS.**

The city is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the system and to appropriate and pay the same. In addition, the city is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions, to maintain its amended retirement system and the fund on a sound actuarial basis in accordance with the respective biannual actuarial valuation.

**§ 2-614**      **EXECUTION.**

A.      The mayor and city clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the original system instrument, amendment number one, adopted September 1, 1975, and to do all other acts and things necessary, advisable and proper to put the system and amendments and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under §§ 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart marked as Exhibit A, which has been duly executed as aforesaid simultaneously with the passage of this article is hereby ratified and confirmed in all respects.

B.      This city council is hereby authorized and directed to proceed immediately on behalf of the city to negotiate a contract with other incorporated cities and towns of the state to pool and combine the fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment. The city council shall manifest approval of such contract and the execution thereof by the mayor and city clerk by a formal resolution.

**§ 2-615**      **CONFLICTING LAWS.**

Any ordinance inconsistent with the terms and provisions of this article is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this article shall be accumulative of other ordinances regulating and governing subject matter covered by this article.